

DECISION RECORD

for

Fishermen's Bend Recreation Site Acquisition and Expansion

Environmental Assessment (EA) No. OR-080-01-12

**United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District, Cascades Resource Area**

**Section 25 of Township 9 South, Range 2 East, Willamette Meridian.
Marion County, Oregon**

BACKGROUND

Fishermen's Bend Recreation Site is managed by the Salem District, Bureau of Land Management (BLM) and is a popular park that offers day-use and overnight family and group recreation facilities along the North Santiam River. Both the urban and rural communities near Fishermen's Bend Recreation Site are growing, resulting in an increasing demand for convenient outdoor recreational opportunities. The North Santiam River is a popular recreational feature, however public land ownership and access is relatively limited on the segment below Big Cliff Dam, near Detroit, Oregon. Acquiring a 17.74-acre parcel directly adjacent to Fishermen's Bend Recreation Site, provides a unique opportunity to meet growing recreation demand and enhance the recreational opportunities that Fishermen's Bend Recreation Site offers.

The parcel is relatively flat and open, with river frontage along the North Santiam River. The parcel also has easy access that could be maintained separately from the park entrance. This offers development opportunities for year-round non-motorized boat access, bicycle trails and hiking trails developed without the expense or security concerns associated with keeping the rest of the park open. The need for these year-round opportunities has been expressed by park users and local communities near Fishermen's Bend for several years. A small pond on the parcel also offers educational opportunities about wetlands and waterfowl. Other opportunities would be explored as part of long term planning for the Fishermen's Bend Recreation Site. This parcel represents the only acquisition and expansion opportunity directly adjacent to Fishermen's Bend Recreation Site, because the park is surrounded by the North Santiam River and State Highway 22 on all other boundaries.

The parcel currently receives unregulated off-highway vehicle use and target shooting. The noise disturbance and potential safety concerns associated with these incompatible uses negatively affect the experience of visitors using Fishermen's Bend. The acquisition of the parcel would provide the BLM with the opportunity to manage the site to reduce these incompatible uses.

A copy of the EA can be obtained from the Bureau of Land Management (BLM), Salem District Office, 1717 Fabry Road SE, Salem, OR, 97306. The EA is also posted on the Salem Districts website at <http://www.or.blm.gov/salem/html/planning/index.htm>. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

DECISION

Based on the analysis contained in the Fishermen's Bend Recreation Site Acquisition and Expansion Environmental Assessment (EA), and management direction contained in the Salem District Resource Management Plan (RMP), I have decided to implement the Fishermen's Bend Recreation Site Acquisition and Expansion proposal as described in the EA as Alternative A: Proposed Action, herein known as the "selected alternative."

The selected alternative is for the United States (BLM) to acquire the fee title (surface and mineral estates) of a 17.74-acre parcel at fair market value based on an appraisal. Funding for the acquisition of the parcel would be obtained from the Land and Water Conservation Fund.

This parcel would be managed by the BLM in accordance with the Federal Land Policy and Management Act (FLPMA) and consistent with the approved Salem District RMP for the adjacent Federal lands, the Northwest Forest Plan and Aquatic Conservation Strategy. This parcel would be managed by the BLM as part of Fishermen's Bend Recreation Site, until the parcel could be formally annexed to Fishermen's Bend as part of a Salem District RMP Amendment. If acquired, this parcel will not be opened to entry under the mining or land laws. Primary management emphasis for the parcel would be the enhancement of recreational and aesthetic values, while protecting any sensitive fish, wildlife, plant or cultural resources.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the required "no action" alternative, and the proposed action alternative which initiated the environmental analysis process. The EA contains a description of the alternatives (pages 4-5) and the analysis of the effects of the alternatives (pages 7-9).

REASONS FOR THE DECISION

Considering public comment, the content of the EA, supporting project record, and the management direction contained in the Salem District RMP, I have decided to implement the selected alternative, as previously described. My rationale for this decision follows:

The proposed purchase of a 17.74-acre parcel, provides a unique opportunity to meet growing recreation demand and enhance the recreational opportunities that Fishermen's Bend Recreation Site offers. This acquisition will help alleviate problems associated with private land development directly adjacent to a large and heavily used developed recreation site.

PUBLIC INVOLVEMENT

As part of an early proposal to acquire the parcel through exchange, adjacent and nearby landowners of the Offered and Selected lands were contacted. On July 15, 1999, an "Invitation to Comment on the Assessment of Environmental Effects . . ." was mailed to adjoining land owners of both Offered and Selected Lands. News articles and public notices about the exchange were published in local newspapers soon thereafter. A thirty day comment period, ending August 31, 1999 generated two letters and one phone call. Comments received were supportive of the acquisition of the parcel. The only concern expressed was related to the BLM-administered parcel to be used in exchange to acquire the parcel. That concern was addressed when the proposed action was changed to direct purchase.

A legal notice announcing the availability of the Fishermen's Bend Recreation Site Acquisition and Expansion Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) documents was also published on May 30th by local newspapers of general circulation including the *Oregonian*, the *Statesman Journal*, the *Stayton Mail*, and the *Mill City Independent Press*. The EA and FONSI were published on the Salem Districts Website and hard copies were sent to 36 individuals and groups including local and national congressional representatives, adjacent land owners and local community leaders. A public comment period was held between June 4th and June 20th and no concerns about the implementation of the proposed acquisition were received.

RIGHT TO APPEAL

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

IMPLEMENTATION

If no appeal is filed, implementation of this decision may begin 30 calendar days after the public notice of the Decision Record appears (estimated to be July 4th, 2001) in the *Stayton Mail and the Mill City Independent Press*.

CONTACT PERSON

For additional information concerning this decision, contact Laura Craves, Salem District Office, 17 17 Fabry Road SE Salem, OR 97306; telephone (503)315-5908.

Approved by: Richard C. Prather 28 JUN 01
Richard C. Prather Date
Cascades Field Manager